

# PATENT COOPERATION TREATY

Translation

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

<div style="border: 1px solid black; width: 100%; height: 100%;"></div>		Date of mailing (day/month/year)
Applicant's or agent's file reference <b>FEH054WO</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. <b>PCT/EP2004/005415</b>	International filing date (day/month/year) <b>19.05.2004</b>	Priority date (day/month/year) <b>26.05.2003</b>
International Patent Classification (IPC) or both national classification and IPC		
Applicant <b>FEHLING AG</b>		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input checked="" type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

**WRITTEN OPINION OF THE  
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**Box No. I      Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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**Box No. II**

**Priority**

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
<b>1. Statement</b>			
Novelty (N)	Claims	<u>1-13</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1-13</u>	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	<u>1-13</u>	YES
	Claims	_____	NO
<b>2. Citations and explanations:</b>			
<p>1 This report makes reference to the following documents:</p> <p>D1: US 5 782 760 A (SCHAER ALAN K) 21 July 1998 (1998-07-21)</p> <p>D2: US 6 214 003 B1 (SARAVIA HEBER ET AL) 10 April 2001 (2001-04-10)</p> <p>D3: EP 0 538 994 A (EVEREST MEDICAL CORP) 28 April 1993 (1993-04-28)</p> <p>D4: US 2001/023347 A1 (CARRANZA REMBERTO J ET AL) 20 September 2001 (2001-09-20)</p> <p>2 Document D1 discloses, as set forth in the description, all the features of the preamble of claim 1.</p> <p>The additional features of claim 1 are intended to permit external ablation of heart tissue, the electrode being designed to be exchangeable.</p> <p>Document D1 discloses a catheter system for ablation of heart tissue. Designing such a system with a rigid shaft tube is not obvious. Documents D2-D4 disclose ablation devices with rigid shaft for external tissue ablation. Documents D3 and D4 also disclose exchangeable</p>			

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

electrodes. However, the combination of features of a unipolar ablation device with rigid shaft having a flushing connection and a detachable electrode, the shaft tube being used as an electrical supply line, cannot be derived in an obvious manner from the present prior art. Therefore, the subject matter of claim 1 involves an inventive step.

3 Claims 2-13 are dependent on claim 1 and therefore also meet the PCT requirements for novelty and inventive step.